

P. B. asks the Utah Labor Commission to review Administrative Law Judge La Jeunesse's decision regarding Ms. B.'s claim for benefits under the Utah Workers' Compensation Act ("the Act"; Title 34A, Chapter 2, Utah Code Annotated).

The Labor Commission exercises jurisdiction over this motion for review pursuant to Utah Code Ann. '63-46b-12, Utah Code Ann. '34A-2-801(3) and Utah Admin. Code R602-2-1.M.

BACKGROUND AND ISSUE PRESENTED

On January 7, 2002, Ms. B. filed an Application For Hearing to compel the Utah Department of Human Services and its insurance carrier, Workers' Compensation Fund (referred to jointly as "Human Services" hereafter) to pay workers' compensation benefits for injuries Ms. B. allegedly suffered at work on November 18, 1998.

In the course of the adjudicative proceedings on Ms. B.'s claim, the parties stipulated to the compensation rate Ms. B. would receive if ultimately found eligible for benefits. The parties also stipulated to the facts of Ms. B.'s accident and agreed that Judge La Jeunesse should appoint an impartial medical panel to consider certain medical questions identified by the parties.

Judge La Jeunesse appointed the medical panel as requested. The panel issued its report on June 10, 2003. Judge La Jeunesse then adopted the panel's findings and awarded benefits to Ms. B. accordingly. However, both Ms. B. and Human Services agree that the panel's report contained clerical errors that were incorporated into Judge La Jeunesse's decision. Specifically, the parties agree that Ms. B. is entitled to additional temporary total disability compensation, beyond what was awarded by Judge La Jeunesse, for the periods of August 12 until October 12, 1999, and April 15 through May 26, 2003.

ORDER

In light of the parties' agreement that the foregoing corrections should be made, the Commission amends paragraph one of Judge La Jeunesse's Order as follows:

It is ordered that the Utah Department of Human Services and Workers Compensation Fund shall pay Paula B. temporary total disability compensation at the rate of \$449 per week for 17.42 weeks, for a total of \$7,821.58, less any sums previously paid, together with interest as provided by law.

The Commission also amends paragraph four of Judge La Jeunesse's Order as follows:

It is further ordered that attorneys fees of \$1,564.32, plus 20% of any interest due Ms. B., shall be paid to Brian Kelm pursuant to Utah Code 34A-1-309 and Rule 602-2-4, Utah Administrative Code. The amount of Mr. Kelm's attorneys fees shall be deducted from Ms. B.'s award and paid directly to Mr. Kelm.

It is so ordered.

Dated this 17th day of February, 2004.

R. Lee Ellertson, Commissioner